

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA

Title III

No. 17-Bk-3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

PUERTO RICO ELECTRIC POWER AUTHORITY,

Debtor.

PROMESA

Title III

No. 17-BK-4780-LTS

(Jointly Administered)

**THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' RESERVATION OF
RIGHTS REGARDING DEBTOR'S MOTION *IN LIMINE* TO EXCLUDE EVIDENCE
CHALLENGING OVERSIGHT BOARD'S CERTIFICATION DETERMINATIONS**

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the "Commonwealth") (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

To the Honorable United States District Judge Laura Taylor Swain:

The Official Committee of Unsecured Creditors (the “Committee”) respectfully submits this reservation of rights (the “Reservation of Rights”) regarding *Debtors’ Motion in Limine to Exclude Evidence Challenging Oversight Board’s Certification Determinations* [Docket No. 3581] (the “Motion in Limine”). In support of this Reservation of Rights, the Committee states as follows:

1. The Oversight Board’s *Motion in Limine* asks the Court to exclude two categories of evidence at the plan confirmation hearing: (i) the testimony of certain experts retained by the Bondholders (as defined therein) “that purports to challenge any certification determination of the Oversight Board reflected in any certified fiscal plan”; and (ii) “any other such evidence proffered by any party in interest to challenge any certified fiscal plan at the hearing on confirmation of the PREPA Plan” [Docket No. 3581-1 at 1].

2. The Committee intends to file an objection (the “Committee’s Plan Objection”) to confirmation of the *Modified Second Amended Title III Plan of Adjustment of the Puerto Rico Electric Power Authority* (the “PREPA Plan”). The Committee’s Plan Objection does not presently rest on any evidence it anticipates being affected by the Court’s decision on the *Motion in Limine*. Accordingly, the Committee takes no position on the *Motion in Limine* at this time. The Committee, however, reserves all rights with respect to the admissibility of the evidence it submits in support of the Committee’s Plan Objection.

3. Moreover, to the extent the PREPA Plan is further modified or amended in the future (thereby altering the Committee’s objections), the Committee respectfully requests an opportunity to be heard on the issues raised within the *Motion in Limine* thereafter.

RESPECTFULLY SUBMITTED

In San Juan, Puerto Rico, this 13th date of June, 2023.

/s/ Luc A. Despins

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